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May 6, 2008

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Today's raid by the Federal Bureau of Investigation on U.S. Special Counsel Scott Bloch's offices, apparently seeking evidence relating to the scrubbing of his computer, reconfirms the need for this Committee to continue its investigation into allegations that Mr. Bloch misused his government computer for personal business. You have shown intense interest in the White House's possible use of government resources for non-official purposes and the use of personal email accounts for official business. I urge you to take a similar interest in the same possible conduct by Special Counsel Bloch.

On March 4, 2008, the Committee conducted a transcribed interview of Special Counsel Bloch concerning allegations that he contracted with non-government personnel to delete computer files from one or more agency computers. At the time of the alleged deletions, Bloch was under investigation by the President's Council on Integrity and Efficiency (PCIE) regarding claims he improperly handled whistleblower and other matters pending before his agency. During the course of the transcribed interview Bloch confirmed that at his urging the agency retained an outside firm – *Geeks on Call* – to perform a “seven-level wipe” of several agency-owned computer hard drives.

Following the Bloch interview, our staffs discussed the necessity of additional investigative steps required by the Committee. Specifically, minority staff suggested we seek transcribed interviews with (1) Rod Anderson, the agency official charged with overseeing the Office of Special Counsel's (OSC) administrative business; (2) the *Geeks* technician identified by Bloch as “Pavel,” and (3) the individual who recommended the *Geeks* services to Bloch.

During the interview Bloch refused to identify the individual who recommended the firm. The following exchange occurred:

Q What was your relationship to the person who provided this information to you?

A Friend.

Q Is the person a government employee?

A No, no, no.

Q Is there any reason why you can't give us the name of this person?

A I can. I have the verbal skills to do so. I don't want to.

Q Well, I'm going to ask

A I prefer not.

Q I understand that. And I'm sure your friend appreciates that. I'm going to ask you provide the name, please.

A I'm not going to do that.

Q Okay.

A It's outside the scope. It's not necessary. It's an invasion of that person's privacy. It isn't helpful. What I'm saying happened, what's important is the name was given and a phone number was given. You can verify that.

Q You're here voluntarily. It's not outside the scope. And I think that, you know, we have a decent good faith basis to request the name. I don't think it's a violation of the person's privacy.

Counsel. We respectfully disagree and just ask that you move on.

Staff. So you're going to refuse to provide the name, is that correct?

Counsel. I think he said several times he's refusing to provide the name.

Staff. I'm actually addressing it to the witness now.

Mr. Bloch. I've given my answer.¹

Mr. Bloch has also refused to produce his personal emails to the Committee. He was asked to do so at both a Committee hearing on July 12, 2007, and again in supplemental questions for the record of that hearing. He declined, claiming that his "personal email is of no relevance to the Committee."

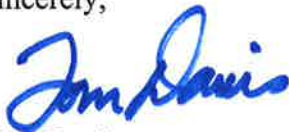
At the time, we were deeply concerned that Mr. Bloch refused to answer this question and produce his emails. The person who advised him to contact Geeks on Call might have been able to tell the Committee what Mr. Bloch said to him about the need to scrub his computer and give us other information. The emails were essential in determining whether Mr. Bloch had used his computer for inappropriate purposes.

It was particularly troubling that a person leading an agency charged with conducting investigations would assert that the subject of the investigation could determine the scope of our investigation and the relevance of requested evidence and decline to answer questions or produce evidence in reliance on those determinations. I doubt the subjects of investigations by the Special Counsel or the Committee are given the same choice.

Accordingly, I ask that the Committee issue a subpoena for a deposition for Mr. Bloch and for his personal emails and request interviews of other relevant OSC staff so that we might obtain the answers to all questions the Committee might have.

Thank you for your attention to this matter.

Sincerely,



Tom Davis
Ranking Member

¹ Transcribed Interview of U.S. Special Counsel Scott Bloch, U.S. Office of Special Counsel, by H. Comm. on Oversight and Gov't Reform staff, in Wash. D.C. (March 4, 2008) at 21-23.